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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,)
)
11 Plaintiff,)
)
12 v.)
)
13 CAPITOL ONE BANK CHECK, \$336.57 and)
made out to Valz Maldy; et al.)
14)
Defendants.)
15

2:10-CV-02165-KJD (PAL)

16 **DEFAULT JUDGMENT OF FORFEITURE**

17 1. The United States filed a verified Complaint for Forfeiture in Rem on December 14, 2010.
18 Docket #1. The Complaint alleges the defendant property:

- 19 a. constitutes or is derived from proceeds traceable to violations of 18 United
20 States Code, Section 1029, or a conspiracy to commit such offenses, are
21 subject to seizure pursuant to 18 United States Code, Section 981(b) and are
22 subject to forfeiture pursuant to 18 United States Code, Section 981(a)(1)(C);
23 b. constitutes or is derived from proceeds traceable to violations of 18 United
24 States Code, Section 1344, or a conspiracy to commit such offenses, are

- 1 subject to seizure pursuant to 18 United States Code, Section 981(b) and are
2 subject to forfeiture pursuant to 18 United States Code, Section 981(a)(1)(C);
- 3 c. constitutes or is derived from proceeds traceable to violations of 18 United
4 States Code, Section 1341, a specified unlawful activity as defined in 18
5 United States Code, Sections 1956(c)(7)(A) and 1961(1)(B), or a conspiracy
6 to commit such offenses, are subject to seizure pursuant to 18 United States
7 Code, Section 981(b), and are subject to forfeiture pursuant to 18 United
8 States Code, Section 981(a)(1)(C);
- 9 d. constitutes or is derived from proceeds traceable to violations of 18 United
10 States Code, Section 1343, a specified unlawful activity as defined in 18
11 United States Code, Sections 1956(c)(7)(A) and 1961(1)(B), or a conspiracy
12 to commit such offenses, are subject to seizure pursuant to 18 United States
13 Code, Section 981(b), and are subject to forfeiture pursuant to 18 United
14 States Code, Section 981(a)(1)(C);
- 15 e. are involved in transactions or attempted transactions in violations of 18
16 United States Code, Section 1956, or are properties traceable to such
17 properties, are subject to seizure pursuant to 18 United States Code, Section
18 981(b), and are subject to forfeiture pursuant to 18 United States Code,
19 Section 981(a)(1)(A); and
- 20 f. are involved in transactions or attempted transactions in violations of 18
21 United States Code, Section 1957, or are properties traceable to such
22 properties, are subject to seizure pursuant to 18 United States Code, Section
23 981(b), and are subject to forfeiture pursuant to 18 United States Code,
24 Section 981(a)(1)(A).

...

1 It appearing that process was fully issued in this action and returned according to law;

2 On December 16, 2010, the Court entered an Order for Summons and Warrant of Arrest in
3 Rem for the Property and Notice and issued the Summons and Warrant of Arrest in Rem. #5, #6.

4 Pursuant to the Order (#5), the Complaint (#1), the Summons and Warrant (#6), and the
5 Notice of Complaint for Forfeiture (#5) were served on the defendant property, and the Notice was
6 published according to law. #7. All persons interested in the defendant property were required to
7 file their claims with the Clerk of the Court within 30 days of the publication of the Notice or within
8 35 days of actual notice of this action, as applicable, followed by the filing of an answer to the
9 Complaint within 21 days after the filing of their respective claims. #1, #5, #6, #7.

10 Public notice of the forfeiture action and arrest was given to all persons and entities by
11 publication on the official government website www.forfeiture.gov from January 23, 2011, through
12 to February 21, 2011. #7, p. 5-13.

13 On October 25, 2011, the United States entered a Notice of Forfeiture Agreement from
14 Criminal Case pursuant to a criminal action designated as *United States of America v. Sam Amadeo*
15 *Battani and Adam Amadeo Battani*, docketed as 2:10-CR-202-RLH (GWF) showing they agreed
16 to the forfeiture of the property in the criminal proceedings, and not requiring the United States to
17 serve either of them in any other related matter regarding the defendant properties. #9.

18 On February 23, 2011, the Notice of Filing Proof of Publication Process was filed. #7.

19 No other person or entity has filed a claim, answer, or responsive pleading within the time
20 permitted by 18 U.S.C. § 983(a)(4) and Fed. R. Civ. P. Supp. Rule G(4) and (5).

21 On October 28, 2011, the United States filed a Request for Entry of Default against the
22 defendant property and all persons or entities who claim an interest in the defendant property in the
23 above-entitled action. #12.

24 On October 31, 2011, the Clerk of the Court entered a Default against the defendant

1 property and all persons or entities who claim an interest in the defendant property in the above-
2 entitled action. #13.

3 Defendants Sam Amadeo Battani and Adam Amadeo Battani are not in the military service
4 within the purview of the Servicemembers Civil Relief Act. Exhibits A and B of #9, #11.

5 The allegations of the Complaint are sustained by the evidence and are adopted as findings
6 of fact. The Court concludes as a matter of law that the United States is entitled to the relief
7 requested in the Complaint.

8 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that
9 Default Judgment of Forfeiture be entered against the defendant property and all persons or entities
10 who claim an interest in the defendant property in the above-entitled action.

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that said property be, and the
12 same is hereby forfeited to the United States of America, and no right, title, or interest in the
13 property shall exist in any other party.

14 IT IS HEREBY CERTIFIED, pursuant to 28 U.S.C. § 2465(a)(2), that there was reasonable
15 cause for the seizure or arrest of the defendant property.

16 DATED: 11/2/11

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18 UNITED STATES DISTRICT JUDGE
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